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**U.S. COURT OF APPEALS**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

MARIA LUISA VILLARREAL and  
VICTOR VILLARREAL,

Petitioners,

v.

ALBERTO R. GONZALES, Attorney  
General,

Respondent.

No. 04-72986

Agency Nos. A95-416-480  
A95-416-481

MEMORANDUM<sup>\*</sup>

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted November 8, 2005<sup>\*\*</sup>

Before: WALLACE, LEAVY and BERZON, Circuit Judges.

Maria Luisa Villarreal and her husband, Victor Villarreal, natives and  
citizens of Mexico, petition for review of the Board of Immigration Appeals'

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<sup>\*</sup> This disposition is not appropriate for publication and may not be  
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without  
oral argument. *See* Fed. R. App. P. 34(a)(2).

decision summarily affirming an immigration judge's ("IJ") order denying their applications for cancellation of removal. We dismiss the petition for review.

We lack jurisdiction to consider Petitioners' contention that the IJ denied them due process by improperly weighing the evidence regarding hardship. *See Martinez-Rosas v. Gonzales*, 424 F.3d 926, 930 (9th Cir. 2005) (holding that petitioners may not create jurisdiction over a discretionary hardship determination by re-characterizing an alleged abuse of discretion as a due process violation).

The voluntary departure period was stayed, and that stay will expire upon issuance of the mandate. *See Desta v. Ashcroft*, 365 F.3d 741, 750 (9th Cir. 2004).

**PETITION FOR REVIEW DISMISSED.**